

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**AEL FINANCIAL LLC, an Illinois  
limited liability company,**

**Plaintiff,**

**v.**

**TRI-CITY AUTO SALVAGE, INC.,  
a North Carolina corporation and  
MICHAEL P. GUARGLIA, an individual,**

**Defendants/Third-Party Plaintiffs,**

**v.**

**CAPITAL 4, INC., a Texas corporation,  
ISHMAEL VILLA-LOBOS,  
P. DAVIS DAWSON, and  
METROPARK COMMUNICATIONS, INC.,  
a Missouri corporation,**

**Third-Party Defendants.**

**Case No. 08CV4384**

**Judge Kendall  
Magistrate Judge Mason**

**UNCONTESTED MOTION BY DEFENDANTS  
TO PERMIT LEAD COUNSEL TO ATTEND THE  
INITIAL STATUS HEARING BY TELEPHONE**

NOW COME Defendants Tri-City Auto Salvage, Inc. and Michael Guarglia, by and through the undersigned counsel, and hereby move the Court to issue an Order permitting Defendants' lead counsel, Carlos E. Mahoney, to attend the initial status hearing set for August 25, 2008 at 9:00 a.m. by telephone on the grounds that Mr. Mahoney resides in Durham, North Carolina and is scheduled to be in South Carolina for depositions on August 26-27, 2008. Counsel for Plaintiff does not oppose this Motion and Defendants' local counsel will appear in person at the initial status hearing.

In support of this Motion, Defendants show as follows:

1. Plaintiff's action is based upon diversity of citizenship jurisdiction. Defendants are citizens of North Carolina and Plaintiff's members are citizens of Illinois.
2. Defendants are represented in this matter by Carlos E. Mahoney, a North Carolina attorney, and by Robert S. Bell, Jr., an Illinois attorney. This Court has granted Mr. Mahoney permission to appear *pro hac vice* in this action. Mr. Mahoney is acting as lead counsel and Mr. Bell is acting as local counsel.
3. The initial status hearing is scheduled to occur on August 25, 2008 at 9:00 a.m.
4. Mr. Mahoney resides in Durham, North Carolina and is scheduled to be in South Carolina on August 26-27, 2008 for depositions.
5. The presence of Mr. Mahoney at the initial status hearing in Chicago, Illinois will cause Defendants to incur significant attorneys' fees and expenses for a hearing that, upon information and belief, will take a maximum of one hour.
6. Mr. Bell will be present at the initial status hearing on August 25, 2008.
7. In advance of the initial status hearing, Mr. Mahoney will participate in a Rule 26(f) conference and will finalize the joint status report with opposing counsel.
8. Counsel for Plaintiff does not oppose this Motion.

WHEREFORE, Defendants request that the Court issue an Order allowing Defendants' lead counsel, Carlos E. Mahoney, to attend the initial status conference by telephone and allowing such further relief as may be just and proper.

This the 12<sup>th</sup> day of August, 2008.

/s/ Carlos E. Mahoney

Carlos E. Mahoney

Glenn, Mills, Fisher & Mahoney, P.A.

P. O. Drawer 3865

Durham, North Carolina 27702-3865

Telephone: (919) 683-2135

Fax: (919) 688-9339

[cmahoney@gmf-law.com](mailto:cmahoney@gmf-law.com)

N.C. State Bar No. 26509

Counsel for Defendants, appearing *pro hac vice*

Robert S. Bell, Jr.

Law Offices of Cary J. Collins, P.C.

2200 West Higgins Road, Suite 155

Hoffman Estates, IL 60195

Telephone: (847) 519-0010

Fax: (847) 519-0016

[rsbelljr@sbcglobal.net](mailto:rsbelljr@sbcglobal.net)

Local Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, Carlos E. Mahoney, hereby certify that on August 12, 2008, I electronically filed the foregoing document entitled, **Uncontested Motion by Defendants To Permit Lead Counsel to Attend the Initial Status Hearing by Telephone**, with the Clerk of Court for the Northern District of Illinois using the CM/ECF system which will send notification of the filing to all attorneys in this action.

Respectfully submitted,

/s/ Carlos E. Mahoney

Carlos E. Mahoney

Glenn, Mills, Fisher & Mahoney, P.A.

P. O. Drawer 3865

Durham, North Carolina 27702-3865

Telephone: (919) 683-2135

Fax: (919) 688-9339

[cmahoney@gmf-law.com](mailto:cmahoney@gmf-law.com)

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